

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JACOB DIAZ,

Plaintiff,

vs.

No. CIV-12-1117 KG/KBM

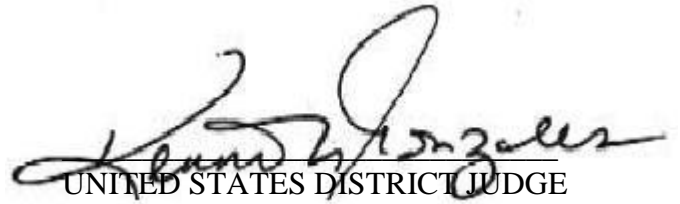
ROBERT METZGAR and JOSHUA RICHARDS,  
in their individual and official capacities as  
Albuquerque Police Officers, and the CITY OF ALBUQUERQUE,

Defendants.

ORDER DENYING MOTION TO CONTINUE TRIAL SETTING

**THIS MATTER** having come before the Court on unopposed motion by plaintiff, Jacob Diaz, by and through his attorney of record, the Court being fully advised of the premises, FINDS insufficient grounds to continue the jury trial currently set to commence with jury selection on December 8, 2014. This trial was continued *sua sponte* from September 29, 2014, in order to give plaintiff's counsel ample time to associate with co-counsel as ordered and to sufficiently prepare for trial. At the time the Court re-set trial for December 8, 2014, counsel for plaintiff did not object. As grounds for her motion to continue, however, counsel for plaintiff reports that Mr. Diaz has final exams during the week of December 8, 2014. Counsel for plaintiff further reports by e-mail communication that Mr. Diaz has final exams also on the week of May 3, which is the next earliest available opportunity for a jury trial in this matter. While the Court recognizes the inconvenience of the current trial setting of December 8, 2014, to Mr. Diaz, it is plain the next setting will be just as inconvenient and, therefor, finds no reasonable basis to continue trial.

**IT IS HEREBY ORDERED** that the jury trial of this matter shall remain on the docket for December 8, 2014.



UNITED STATES DISTRICT JUDGE